

From: julia@frackaction.com
Sent: 6/4/2012 1:33:48 PM

To: "Scott Fulton/DC/USEPA/US@EPA" <Fulton.Scott@epa.gov>
CC: "julie sautner" <pasissy1@epix.net>
Subject: Important matter regarding EPA Region 3 and water test results for Dimock, PA

Dear General Counsel Scott Fulton,

I'm writing today to make you aware of a situation that we believe may concern you in Dimock, PA. My organization, Frack Action, works with residents in Dimock, PA who have been harmed by hydraulic fracturing. Their contamination has been documented as a result of a casing failure by the Pennsylvania DEP in 2009. Eleven of the families are currently involved in litigation with Cabot Oil and Gas regarding the contamination. Here is a background article on this situation from ProPublica: November 2009, *PA Residents Sue Gas Driller for Contamination, Health Concerns*.

My organization, along with other NGOs, has worked to provide clean drinking water to these residents since December 2011 when Cabot Oil and Gas stopped their water deliveries. In January, EPA Region 3 conducted water tests and provided water for some of the families, while others continue to receive trucked water supported by NGO contributions. The EPA recently conducted water tests and then prematurely released press advisories containing hand picked, incomplete results. Environmental and public health advocates obtained some of the test data from residents and it showed contamination levels that are above "trigger levels." See ProPublica article from March 20, 2012 *So, Is Dimock's Water Really Safe to Drink*

When the residents and their lawyers pressed for the complete raw test results, EPA Region 3 refused to share these results with the residents or their lawyers. We understand that NRDC has submitted a FOIA request seeking production of the complete test results and has been told that they would be released at the end of June. The residents need their EPA water test results now. They are currently in settlement talks with Cabot Oil and Gas, who are using the hand picked EPA test results in their defense even though no one has seen the full raw test results. It is well known protocol that EPA is required to give the owners of the wells the test results before lawyers or FOIA requests. It is unfortunate that the EPA press releases saying the water is "safe" have already had a detrimental impact on public perceptions and the case. The EPA's statements make clear that there are unacceptably high methane levels in a good number of the families' water. These statements made by the EPA are in line with the DEP's findings and their consent orders holding Cabot responsible. If the water does not demonstrate excessive levels of other contaminants that would be, of course, a good thing. But it is imperative that the families have access to the full test results so that they and their lawyers/consultants can assess those results and their implications.

We hope your office can provide us with answers. These families have been through a great deal and are looking to the EPA to protect them. Please respond to the request of the residents for their test results.

Sincerely,
Julia Walsh
Campaign Director
Frack Action
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Environmental Protection Agency
Ariel Rios Building
% Office of General Counsel
1200 Pennsylvania Avenue, N.W.

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June 1st, 2012

Dear Mr. Scott Fulton,

Currently, we are one of the eleven families on Carter Road who are suing Cabot Oil and Gas for the contamination of our well water. This is a federal case and we have been demanding our test results from EPA Region 3 in order to further conduct litigation. The defense attorneys of Cabot Oil and Gas are emphasizing the press advisories of the EPA test results and using it against us.

We are going into our fourth year of this nightmare of living with contaminated well water. The Pennsylvania DEP, under Governor Rendell's administration, affirmed that the contamination of our well water came from a casing failure of the vertically fracked wells along Carter Road. The PA DEP Commissioner John Hanger worked to get funding to construct a water main from the nearby town of Montrose and then right before the arrangement was confirmed, it was pulled before Governor Rendell left office. Last November, Cabot Oil and Gas stopped paying for the water deliveries to our homes and a number of grassroots and environmental non-profits stepped in to help us pay for water.

We believe this contamination case has gotten political in nature. Furthermore, with its stonewalling and refusal to provide information that should be disclosed, the EPA is not even serving the purpose for which it was created. The spin that the EPA put on these results is absolutely false. We have exhausted all of our avenues to no avail. We cannot and will not let this cover up go down without a fight. We have pleaded to everyone and have not succeeded in having people listen to the real victims. All of our words seem to have fallen on deaf ears. As our last resort, we respectfully ask you to help us. We are under the impression that the EPA is here to protect and serve the people, air, water and land of this country. Could it be that we are mistaken? If we are not, then certainly we need to see the complete results from these tests.

Please help us get our test results. We are hardworking Americans who are relying on EPA to do its job and protect us.

Craig & Julie Sautner

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